

# Moral Libertarian Perspective: The Question of Private Property

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*NOTE: This article represents ONE moral libertarian's thinking on the issue of private property. It does not represent all moral libertarians' thinking on this matter. In fact, I accept that moral libertarians can be as pro-property as Rothbard or as anti-property as Marx, as long as their case rests on liberty, because moral libertarians must accept the equal moral agency of each other.*

Is private property good for liberty? Modern political libertarianism's answer on this issue is clear. For most contemporary political libertarians, whose thinking have been most strongly influenced by the views of thinkers like Hayek, Rothbard and Nozick, liberty means absolute private property rights, and where private property rights are even just a bit compromised, there is no true liberty. On the other hand, socialists and social liberals (left-liberals) claim that it would mean those who have no means of acquiring private property, most often due to being born into poverty in the first place, are effectively left without even basic liberties. In fact, their line of argument is also backed by historical thinkers, from Rousseau to Marx, who believed that private property should be abolished for the sake of liberation. A third approach is that of John Locke, often considered the father of classical liberalism. While Locke strongly supported private property rights, he thought that there also needs to be enough and as good left over for others to use. This is clearly quite different from some modern libertarians, whose ultimate visions involve every part of the world being held as private property without exception.

Let's start from the modern political libertarian view, because that seems to be the default position in the discussion about property and liberty. Modern libertarianism is based on the non-aggression principle (NAP), which holds that no individual can commit aggression against another under any circumstances, unless they have broken the law through aggression against another in the first place. It logically follows that the government cannot take away any individual's private property under any circumstances, because, even if an individual refuses to pay taxes, they haven't committed aggression against any third party, and therefore the government dragging them to jail at gunpoint for refusing to pay taxes violates the NAP. However, this view of property rights is ultimately impractical, because no matter how small the government is made, some amount of taxes still have to be paid, and where the government jails individuals for not paying taxes it would still violate the NAP, meaning one could argue that the NAP-based property rights logic ultimately leads to anarchism. Furthermore, other people may argue that this logic depends on a particular definition of 'aggression'. For example, taking another view, merely trespassing into private property is not an act of aggression, therefore neither the government nor property owners should be able to use violence to prevent trespassing. Allowing law enforcement against trespassing but not allowing law enforcement against tax evasion thus would be a double standard. This logic essentially leads to no effective property rights for anybody! It is therefore not surprising that the vast majority of people do not see the NAP as a practical basis to resolve the issue of property rights.

(Several libertarian thinkers have proposed that property owners instead be able to hire private police services and private militaries to protect their property. But firstly, such services would be very expensive, and out of the reach of the average property owner. Secondly, the authority of a private police service would not be recognised by another, resulting in such services acting like rival gangs where there are disputes. Investing in the wrong police service would therefore result in loss of property. Police services with proven track records will also therefore be able to raise prices to sky-high levels. Therefore, in the real world, there is no alternative to government regulation to maintain property rights. Leftist anarchists are at least right about one thing: no government, no private property, and no free market capitalism either.)

But let's imagine a society where the NAP approach to property rights has taken hold. Every bit of the world is now privately owned. People are born into vast privately-owned lands, sort of like the nation states that used to exist a few centuries ago. Since every bit of this land is owned by the CEO, he makes all the decisions, and the people who live there have to obey his orders, or else face eviction, probably into some wasteland near the North Pole that nobody wants to own. Those who disagree with the CEO and can afford to rent property in another CEO's land can move, but those who cannot afford to move must just obey. In fact, at one point in history, people lived in similar circumstances: it was called the middle ages. In this kind of world, there is very little liberty for the vast majority of people. If this is your ideal world, then you might actually fit right into the Neo-reactionary crowd. But for us moral libertarians, there is clearly nothing like the equality of moral agency we so insist on here. In fact, it demonstrates why John Locke, though a strong supporter of property rights, believed that there must be enough and just as good left over for everyone else.

Now, let's think about another solution: what if there was no private property? This could theoretically be achieved overnight by the government simply refusing to enforce property rights. If, at the stroke of the clock at midnight the government stopped enforcing property rights, what do you think would happen? Chaos would probably take over by five minutes past midnight, with thugs breaking into properties and taking what they want everywhere across the country. After all, it's legal now. Of course, in this kind of society, there wouldn't even be basic safety and security for most people, let alone liberty and equal opportunity. In fact, there are several places around the world right now which are experiencing a total breakdown of law and order, so one does not even need to imagine how such a society would look like. I don't know anyone who would like to live in one of those places.

Thus, when the far-left proposes there be no private property, they don't generally mean the abolishment of all regulation of property rights. Rather, they seek to collectivize the ownership of property as much as possible, using their own words. But what does this collective ownership look like? How can I collectively own a house, for example, with the four million other people who live in the same city? Who gets to decide what can be done about the house? Or even who can live there? Of course, to answer all this would require heavy-handed regulation from the government. In fact, in practice, collective ownership has always meant government ownership, because no other form of collective ownership is practically possible. Where the government owns all the property, they effectively have all the liberty and moral agency, because they get to make all the decisions: not unlike the kings and nobles of centuries past! Modern western democratic socialists often insist that,

where the government is democratic, the decisions are effectively made by the people. But anyone with any experience in politics can tell you that politics is a game of powerplay, where alliances, strategies and deceit is the order of the day, meaning that 'representative' democracy is not always truly representative. Short of having a referendum on every decision to be made, there is no way to ensure that every decision truly reflects the will of the people. Therefore, a lot of the moral agency of making political decisions still rest on the hands of the politicians themselves. Giving government too much power effectively means that politicians have a lot more moral agency than private citizens, something that is unacceptable from a moral libertarian point of view.

But let's pretend that property can be effectively collectively owned, for example via a government that somehow always makes decisions according to the majority's wishes. In this way, all the collective decisions would be made by the collective moral agency of the people without the politicians having any extra influence, in line with moral libertarianism's demands. But moral libertarians should only support collectively making decisions that are unavoidably collective, because these issues metaphorically represent one single indivisible pie of which everyone owns an equal share, and the only way to make a decision about what to do with this pie that respects equal moral agency is by each person having an equal share of the decision. However, many issues are not unavoidably collective, and moral libertarianism demands that each person be able to make their own moral decisions and live accordingly. Extending the pie metaphor, everybody has their own pie, and should get to decide what to do with their own pie, and only their own pie. Here, collective ownership is incompatible with moral libertarianism, because if all pies are collectively owned, the majority also gets to decide what the minority can do with their own pies. Thus in any moral controversy, the majority, being the majority, have moral agency over everyone in a winner-takes-all fashion, and the minority have no moral agency at all. This kind of democracy would essentially be an illiberal democracy. Thus, even where collective ownership is possible, it would result in illiberal democracy at best.

Having looked at all the possible solutions for property rights, we can come to three conclusions. Firstly, private ownership of property is a necessary condition for liberty and equal moral agency, because 1) if there is no protection of private property, as in anarchism, then the physically strongest will rule over everyone else; 2) if all property is collectivized (i.e. government owned) politicians will practically rule over everyone else; 3) even if we could collectivize property in truly democratic way the majority in any dispute will effectively be able to take away all liberty and moral agency of the minority. Secondly, property cannot be too unequally distributed, because that will mean the haves can rule over the have-nots, effectively replicating the feudal system. Thirdly, there is really no objective reason why a government that maintains a system to protect private property via laws and policing cannot also demand some taxation for the purposes of wealth redistribution, as without government regulation in the first place private property cannot practically exist! If governments already tax individuals to maintain their private property (courts, militaries and police forces are expensive to maintain), and in the practical world owners of private property have to rely on this system to enforce their property rights, why can't the system be designed to include some wealth redistribution to ensure a more equal distribution of private property, and thus ensure actual liberty for all?

